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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,557	03/11/2004	Shahla Khorram	BP2059CON	7781
34399	7590	05/23/2007		
GARLICK HARRISON & MARKISON			EXAMINER	
P.O. BOX 160727			DEB, ANJAN K	
AUSTIN, TX 78716-0727			ART UNIT	PAPER NUMBER
			2858	
			MAIL DATE	DELIVERY MODE
			05/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,557

Applicant(s)

KHORRAM ET AL.

Examiner

Anjan K. Deb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

In the amendment to specification filed 03/11/2004, in page 2, under "Cross Reference to Related Application" insert after "2002", --now US Patent # US 6,720,757 B2 issued Apr. 13, 2004 --

Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 23-30 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,720,757 B2. Although the

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conflicting claims are not identical, they are not patentably distinct from each other because they are obvious over the patent claims as follows:

Re claims 23-30, U.S. Patent No. 6,720,757 B2 recites all of the claimed limitations for a method of determining strength of RF signal including down converting RF signal, producing first and second polarity of received signal, generating plurality of offsets of increasing value, imposing each of the plurality of DC offsets on the first polarity of the received signal to produce a plurality of DC offset first polarity received signals; comparing each of the plurality of DC offset first polarity received signals to the second polarity of the received signal; determining when one or more of the plurality of DC offset first polarity received signals is overcome by the second plurality of the received signal; and indicating the strength of the received signal based upon which of the plurality of DC offset first polarity received signals is overcome by the second plurality of the received signal except a radio receiver.

At the time the invention was made it would have been obvious for one of ordinary skill in the art to adapt the method of measuring received RF signal strength as claimed in US 6,720,757 B2 for measuring the received signal strength in a radio receiver as required for operating a radio receiver.

4. Claims 31-42 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,720,757 B2 in view of Shattil (US 2002/0034191 A1). Although the conflicting claims are not identical, they are not patentably distinct from each other because they are obvious over the patent claims as follows:

Re claims 31-42, U.S. Patent No. 6,720,757 B2 recites all of the claimed limitations as set forth above including low noise amplifier (means for amplifying) (claim 13), rectifier (claim 17), decoder (claim 22) except claiming wireless receiver and mixer that down converts RF received signal. However mixers are commonly used in down converters in radio receivers for down conversion of received RF signal to intermediate or baseband frequency as evidenced by Shattil.

Shattil disclosed method and apparatus for transmitting and receiving signals in a radio/wireless receiver (wireless communication) including down converter, decoder and mixer commonly used for coupling electromagnetic signals for conversion to intermediate and baseband frequency suitable for signal processing [para 0265].

At the time the invention was made it would have been obvious for one of ordinary skill in the art to modify Patent No. 6,720,757 B2 by claiming mixer disclosed by Shattil for down conversion of received RF signal to intermediate or baseband frequency so that the signal is suitable for signal processing.

Conclusion

5 . The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kerber et al. (US 4,004,220 A) discloses method of measuring the strength of received signal 24 having a dynamic range comprising a rectifier circuit 62, generating a plurality of DC

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offsets (see table of DC offsets in column 2 lines 25-30), and comparing first and second polarity signals with plurality of comparator circuits (46,48,50,52,54,56,58)(Figure).

Kim (US 5,710,981) discloses radio receiver 12 (radio power control device) comprising down converting received RF signal to intermediate frequency and measuring the strength of received signal (Fig. 1,2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Anjan K. Deb whose telephone number is 571-272-2228. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached at (571) 272-2168.



Anjan K. Deb, P.E, Ph.D.

Primary Patent Examiner

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5/9/07

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